

8 - 3 SUSPENSION OF APPLICATIONS

ISSUE: **In the future, how should the regulatory requirement regarding suspending receipt of commercial waste facility applications (Radiation Control Act, Section 19-3-105(4), and Hazardous Waste Act, Section 19-6-108(g)(i)-(ii)) be implemented?**

RECOMMENDATION:

For this particular issue, the options include revising the statute or procedures to include one of the following:

- (1) Accept the permit or license application, conduct the review of the new application, utilizing a contractor if necessary, and condition the approval of the permit/license based on approval by the Legislature of additional funding and personnel to oversight the new facility, or
- (2) If existing resources are inadequate, suspend acceptance of an application, notify the Legislature of the suspension, estimate the additional funding and staff needed to oversight the facility if the permit/license is approved, and receive approval for additional staff and funding, prior to lifting the suspension and accepting the permit/license for review.

BACKGROUND:

The Department has authority under both Acts to suspend acceptance of further applications for commercial waste facilities upon finding that a new facility could not receive adequate oversight for permit compliance, monitoring, and enforcement due to insufficient staff or funding. As currently written, the statute requires the Division to estimate additional staff and funding requirements prior to receiving and reviewing the application and to delay acceptance of an application until the Legislature makes a commitment for future staff and funding, if the permit/license were to be granted.